

Serial No. 10/606,441
DeClerck et al
Case No. CE10654R

REMARKS

Reconsideration of the above-referenced application is respectfully requested in view of the above amendments and these remarks. Claims 1-20 are currently pending.

In the Office Action, claims 2-4, 7-9, 12-14 and 17-19 are objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants note with appreciation that the subject matter of these claims is deemed to be allowable if rewritten to include all limitations of the superseding and rejected claims. Applicants wish to reserve the right to rewrite these claims, should further discussions regarding the base and superseding claims prove unrewarding.

Independent claims 1, 6, 11 and 16 were rejected in the Office Action under 35 U.S.C. § 102(b) as being anticipated by United States Patent No. 6,185,199 to Zehavi. Applicants have amended independent claims 1, 6, 11 and 16 to more clearly define the claimed invention. In particular, Applicants have included a specific language within the body of the claim that the transmission is of the uniform power-control bit patterns is used for soft handoff of a mobile unit. The claimed invention is directed to a method and apparatus of handing off a mobile station between a plurality of base stations by using a uniform power-control bit pattern. The uniform power-control bit pattern is sent by each of the base stations during a plurality of power-control bit times. During soft handoff procedures, the transmissions of the uniform power-control bit patterns are timed so that identical power-control bits are sent from the plurality of base stations during each of the plurality of power-control bit times.

For each of the rejected independent claims, the Office Action cites Zehavi, column 3, lines 1-14 as a basis for the rejection. This section of Zehavi describes two different scenarios, soft handoffs and softer handoffs. As Zehavi describes, a soft handoff is the process of establishing a link for a mobile station with a new base station before breaking the link with the previous base station. Softer handoff, on the other hand, is a form of soft handoff where the base stations are physically located in the same location, and one common set of hardware can be designed to support softer handoff. For soft handoffs, Zehavi states, "the base stations do not send the same power control bit values

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because they are typically situation at different locations" (emphasis added). This is directly opposite from what is claimed in the present application. It is only for softer handoffs, that the base stations are configured to send identical reverse power control bit values, and this is because the base stations are collocated. As the present invention is not directed to softer handoffs, this is not relevant to the claims. Moreover, the other sections cited in the office action, i.e. column 12, lines 49-63 and column 6, line 66 to column 7, line 10, do not disclose that identical power-control bits be sent at the same time from the base stations during soft handoffs.

In light of the amendments to claims 1, 6, 11, and 16, which refer specifically to use the use of identical power-control bits for soft handoff, Zehavi does not disclose the claimed invention. In fact, Zehavi specifically states that for soft handoffs that they power-control bits are not identical. Thus, it is respectfully submitted that claims 1, 6, 11 and 16 are not anticipated under 35 U.S.C. § 102(b) by Zehavi. Applicants therefore respectfully request that the rejection under Section 102(b) be withdrawn.

In the Office Action, claims 5, 10, 15, and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Zehavi in view of United States Patent Publication No. 2002/0072384 to Chheda. Even if in paragraph [0038] Chheda discloses synchronization between a plurality of base stations, the combination does not disclose, teach or otherwise suggest the claimed combination of claims 5, 10, 15 and 20. In particular, neither Zehavi and Chheda disclose the use identical power-control bits being sent from multiple base stations for use during soft handoffs. It is therefore respectfully submitted that the combination of Zehavi and Chheda do not render claims 5, 10, 15 and 20 obvious under 35 U.S.C. § 103(a). Applicants therefore respectfully request that the rejection under Section 103(a) be withdrawn.

As the Applicants have overcome all substantive rejections and objections given by the Examiner and have complied with all requests properly presented by the Examiner, the Applicants contend that this Amendment, with the above discussion, overcomes the Examiner's objections to and rejections of the pending claims. Therefore, the Applicants respectfully solicit allowance of the application. If the Examiner is of the opinion that any issues regarding the status of the claims remain after this response, the Examiner is invited to contact the undersigned representative to expedite resolution of the matter.

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Please charge any fees associated herewith, including extension of time fees, to
50-2117.

Respectfully submitted,
DeClerck, Daniel J., et al.

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